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| APPLICATION NO | FLING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO | CONFIRMATION NO |
|----------------|------------|--------------------------|--------------------|-----------------|
| 09 630,900 | 08 02 2000 | Raymond E. VanKouwenberg | 20022 99R162US | 7976 |

7590 09 24 2002

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EXAMINER

MANOHARAN, VIRGINIA

| ART UNIT | PAPER NUMBER |
|----------|--------------|
| 1764 | |

DATE MAILED: 09 24 2002

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|--------------------------------|---------------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 09/630,900 | VANKOUWENBERG, RAYMOND E. |
| | Examiner Virginia Manoharan | Art Unit 1764 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 4.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-10 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) Interview Summary (PTO-413) Paper No(s) _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

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DETAILED ACTION

The specification has not been checked to the extent necessary to determine the presence of all possible minor errors e.g. typographical, grammar, idiomatic, syntax and etc. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

The disclosure is objected to because of the following informalities: The term "moveable" recited e.g., in the preamble of claim 1 should be --movable-- as the latter is the term normally used in patent claims..

Appropriate correction is required.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5 and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Vankouwenberg et al '680 in view of Salmon.

Vankouwenberg et al '680 discloses substantially the features of the apparatus as claimed.

That is, Vankouwenberg discloses an apparatus comprising:

a fluid vessel (12) to collect wastewater and having at least a partially open top wall, side walls and a bottom wall;
means (14, 42) for delivering wastewater to the fluid vessel,

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flue chamber (11), corresponding to the claimed heating vessel, surrounding and spaced from at least the side walls and the bottom wall to form an interior heating chamber between the heating vessel and the fluid vessel,

heating means (2.2.), corresponding to the claimed heating element, for generating heat sufficient to vaporize the wastewater and form water vapor;

an outer jacket (10) substantially surrounding the heating vessel and spaced from the heating vessel to define an insulating space between the jacket and heating vessel vapor, exhaust means (58) for expelling the water vapor from the fluid vessel, as broadly claimed in claim 1. Vankouwenberg further discloses the means (60) for causing ambient air to flow through the insulating space to facilitate vapor exhaust as claimed in claim 3. The apparatus of Vankouwenberg '680 differs from the claimed invention in that claim 1 for example, recites "... a heat transfer liquid filling at least a substantial portion of the heating chamber to transfer the heat generated by the heating element to the fluid vessel walls." claimed in section (e). However, said difference does not constitute a patentable distinction inasmuch as the fluid-in-process is not the basis for patentability of an apparatus claim.

Nonetheless, Salmon teaches that said difference is an obvious expediency in the art. Note e.g., col. 5, lines 1-7. To incorporate Salmons' elements to the apparatus of Vankouwenberg would have been obvious to one of ordinary skill in the art as both references are directed to the same processing environment e.g. to an evaporator/ distillation apparatus.

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Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vankouwenber et al as applied to claims 1-5 and 8-10 above, and further in view of Cress et al.

The claimed apparatus for treating wastewater comprising a disposable liner made of a waterproof and nonporous material insertable into and lining the vessel and receiving the wastewater, the wastewater contained in the liner being evaporated and leaving a residue of contaminants contained in the liner to be disposed of with the liner as claimed in claim 6 is known in the art as taught by Cress et al. To incorporate Cress'l teachings to Vankouwenber would have been unobvious to one of ordinary skill in the art inasmuch as Cress et al teaches that lining the still box with silicone caulk and Al greatly improve the still's performance.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- (A) Korenowski ad Rhodes both disclose an evaporation method and apparatus
- (B) Vankouwenberg discloses the wastewater treatment apparatus and method.
- (C) De '990 discloses an evaporator assembly within a heated both.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to V. Manoharan whose telephone number is 308-3844. The examiner can normally be reached on Tuesday-Friday from 7:30am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Marian Knode, can be reached on (703) 308-4311. The fax phone number for the organization where this application or proceeding is assigned is 872-9310.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 308-0651.

VManoharan:evh

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